

## COPY OF TRANSCRIPT

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff,

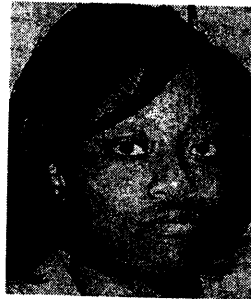
vs.

Civil Action No:

2:05CV902-MHT-DRB

AUBURN UNIVERSITY  
MONTGOMERY,

Defendant.



DEPOSITION OF

COURTNEI ELLISON

June 14, 2006

1:54 p.m.

Auburn University  
Human Resources Building  
7430 East Drive  
Montgomery, Alabama

Bonnie L. Smith, RPR, CCR-B-2432

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**EXHIBIT**

21

June 14, 2006

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APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

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On behalf of the Defendant:

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ALSO PRESENT: Cynthia Ellison, Plaintiff

Debra Foster, HR Director



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Deposition of Courtnei Ellison

June 14, 2006

MR. DODD: This is the deposition of Courtnei Ellison taken by notice and subpoena pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure.

COURTNEI ELLISON, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY-MR.DODD:

Q. Ms. Ellison, I'm Burton Dodd. I represent Auburn University Montgomery in the lawsuit that Cynthia Ellison has filed. The purpose of this deposition is to ask you some questions about your knowledge of some of the aspects of that -- claims in that lawsuit. You understand you're under oath to tell the truth in this proceeding; right?

A. Yes.

Q. If you don't understand a question that I ask you, will you let me know?

A. Uh-huh.

Q. And if you let me know that, I will



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four years at least?

A. Yes.

Q. Do you attend church?

A. Yes.

Q. What church do you attend?

A. New life Church of God and Christ.

Q. Are you involved in any community activities?

A. Well, I am part of Alpha Kappa Alpha sorority, but not really active right now.

Q. Okay. Did you go to AUM?

A. Yes.

Q. And you graduated in 2000 and --

A. 2004.

Q. Do you work at Colonial Bank?

A. Correct.

Q. How long have you worked there?

A. It will be a year in July.

Q. Have you ever given a deposition before?

A. No.

Q. Have you read the complaint that Cynthia Ellison has filed against Auburn University Montgomery?

A. No.



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1 in the evenings at home after work.

2 A. Correct.

3 Q. And that's at least part of what I  
4 want to ask you about.

5 A. Okay.

6 Q. When, if you recall, did she begin  
7 sharing with you any difficulties that she was  
8 having at work at AUM?

9 A. The first time was with Allison  
10 Stevens.

11 Q. Do you recall when that was?

12 A. Probably three -- three years ago.  
13 It was like maybe around Christmas time. So  
14 --

15 Q. 2003 perhaps?

16 A. Yeah, probably around that. Because  
17 I was still in college then.

18 Q. Until that time, did you have any --  
19 strike that, please. Prior to that time, had  
20 she mentioned any difficulties that she was  
21 having at work to you?

22 A. No.

23 Q. What did she tell you about Allison  
24 Stevens?

25 A. That she called her a nigger.



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1 A. Yes.

2 Q. And are you convinced that Allison  
3 Stevens used that word based on what Cynthia  
4 Ellison told you?

5 A. Yes.

6 Q. When was the next time that you can  
7 recall Cynthia Ellison saying anything to you  
8 about difficulties she was having at work?

9 A. When she was on the search committee  
10 for the dean.

11 Q. This was after Allison Stevens?

12 A. Yes.

13 Q. Okay. What did she tell you?

14 A. She was telling me that Chris was  
15 trying -- Chris Mahaffy --

16 Q. Do you know Chris Mahaffy?

17 A. Yes.

18 Q. Okay.

19 A. That Chris Mahaffy was trying to get  
20 her to be -- to vote him in as dean.

21 Q. Do you recall when in -- was it in  
22 2004?

23 A. It had to be early part of 2004.

24 Q. Was that the dean search that  
25 ultimately resulted in Dr. Lawal becoming



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1 since she was the only black person on the  
2 search committee that she could have some type  
3 of -- that he could manipulate her the most,  
4 coerce her the most to get a vote in for him.

5 Q. And what do you think, though, the  
6 purpose of him attempting to give her an  
7 e-mail address was?

8 A. So that he could find out what was  
9 going on in the search committee so that he  
10 could know the status.

11 Q. Oh, he wanted -- he wanted Cynthia  
12 Ellison to send him updates about what was  
13 going on? Is that --

14 A. Yeah, based on the conversation that  
15 I heard.

16 Q. Okay. And Cynthia Ellison refused  
17 to take it?

18 A. She refused.

19 Q. What did she say?

20 A. She said, Chris, you know that I  
21 can't do that.

22 Q. Okay. And what was his response?

23 A. He walked out mad.

24 Q. Did he say anything after that?

25 A. No, not at that -- no, he didn't.



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1 A. I can't tell you -- I can't tell you  
2 that he was upset -- he was upset at everybody  
3 on the search committee. I can tell you that  
4 much. But anybody other than that, no.

5 Q. Okay. Well, I mean, you mentioned  
6 that everybody new Chris Mahaffy or words to  
7 that effect.

8 A. Uh-huh.

9 Q. What did you mean by that? Are you  
10 talking about his reputation here?

11 A. Yeah.

12 Q. What do you know of his reputation?

13 A. Well, he is the type of person, I  
14 guess, you really don't know what he's going  
15 to do, especially the last couple of years  
16 that I was on campus in school. After the  
17 first time he did not get dean, he changed.

18 Q. In what fashion?

19 A. His mental state changed. You could  
20 tell he was a little more -- he was angry and  
21 you could just tell that he -- it was a change  
22 in him that you could just notice. He was  
23 angry with everyone.

24 Q. Did you observe any changes in  
25 Cynthia Ellison's demeanor or behavior or



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1 happened after that because I wasn't there.  
2 But I can tell you that he was just walking  
3 around with a book bag and we didn't know what  
4 was in it.

5 Q. It could have been books, huh?

6 A. Given Chris' mental state, we did  
7 not know what it could have been. I haven't  
8 seen him -- and I've been on the campus since  
9 I was 11 months old and I've never seen him  
10 walk around with a book bag.

11 Q. And when you say that she closed the  
12 door, you're referring to her office here on  
13 campus, are you not?

14 A. Correct.

15 Q. Not at home?

16 A. There was one time at home. It was  
17 the same day that she was forced to leave the  
18 campus with Dr. Lawal when they were actually  
19 talking to Chris. That same day -- well, that  
20 night, the lights just went off. I wasn't  
21 there when the lights went off, but she called  
22 me in fear. And it was me and my  
23 ex-boyfriend. She called us and we actually  
24 came back to the house because she was so  
25 afraid. I never saw my mama like that before.



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1 A. -- from when he gave her the e-mail  
2 or tried to?

3 Q. Yes, until the lights went out.

4 A. Yes, her demeanor changed. Her  
5 health was affected as well.

6 Q. Okay. Tell me about both.

7 A. You could tell that her rheumatoid  
8 started flaring up. Her leg -- she had cancer  
9 in her leg. You could tell that she was  
10 having problems with her leg. You could --  
11 you could tell that she was afraid to go to  
12 work. And I hated to see her like that and  
13 it's nothing that I could have done to really  
14 protect her. But you could tell that she was  
15 being mistreated and nothing was being done  
16 about it.

17 Q. Now, is that based on what she told  
18 you or what you know of your own personnel  
19 knowledge?

20 A. I can tell you of a time -- I  
21 started working at Hyundai in 2004, right  
22 after college. But before that time, I was  
23 unemployed for August and part of September.  
24 And during that time, Dr. Lawal had just  
25 started. And one comment that he made -- they



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1 work, did you suggest that she seek treatment  
2 for that?

3 A. She was seeking treatment for that  
4 the entire time.

5 Q. For her rheumatoid arthritis?

6 A. Yes.

7 Q. But did you suggest that she seek  
8 any particular treatment when, you know,  
9 stressors at work supposedly made it more  
10 aggravating?

11 A. Yes. I -- on one occasion, I called  
12 Dr. Paul myself. So, yes, I did do that.

13 Q. What prompted you to call the  
14 physician?

15 A. Because it was getting to where her  
16 hands were so swollen to where she could  
17 barely move them and it was getting hard for  
18 her to stay on balance. You could just tell  
19 that there was a difference because of what  
20 was going on at work. And it had never been  
21 like that before.

22 Q. Now, how else did her situation at  
23 work show itself at home, manifest itself?

24 A. Her appetite changed. She was just  
25 always -- you could tell even if the phone



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1 like she should be.

2 Q. So the litigation now is what's  
3 causing her distress?

4 A. Yeah. And you can tell it. Anytime  
5 that you -- I don't even talk to her about the  
6 lawsuit, but when I pick her up from -- from  
7 Ms. Rodgers', you can tell that it's affecting  
8 her. And I want my mama back. I mean,  
9 because she's not like this. She has not ever  
10 been like this until this happened.

11 Q. How did -- how did Cynthia Ellison  
12 react to the deaths of her parents and sister  
13 in 2004 and 2005 while this was going on?

14 A. It was something -- we are a  
15 Christian family. It was something that we  
16 were prepared for. And we know that we  
17 can't -- you know, that sometimes death is  
18 inevitable. So to say that that had some type  
19 of effect on what was already going on at  
20 work, I would not say that that really played  
21 a part just because in our Christian belief,  
22 we believe when somebody goes -- passes away,  
23 they go to a better place. And that was --  
24 that was her comfort. That was -- that's what  
25 held her together on that end. And I can tell



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1 has to take her time to do things a little  
2 slower than what I can do. She can't pick up  
3 a five-pound bag of sugar like I can. So I  
4 try to help her in those areas by picking up  
5 heavy things so she won't have to do that.

6 Q. Is that in your observation the  
7 greatest limiting circumstance from arthritis,  
8 the ability to lift heavy and semi-heavy  
9 things, that she has?

10 A. No. She has hard times walking.  
11 It's not just in her hands. It's all over her  
12 body. So sometimes, you know, it may be a  
13 flare-up in her foot or a flare-up in her  
14 shoulder or a flare-up in her hand. I  
15 can't -- you know, it just depends on where  
16 the flare-up may be. But I try to always be  
17 there for her so that I can, you know, assist  
18 her in that way. So I just can't tell you  
19 that it's just in lifting because it's not.  
20 It may be walking.

21 Q. How would you compare her physical  
22 condition today with respect to the arthritis  
23 to late 2004?

24 A. She -- I would say late 2004 to now  
25 it's been pretty consistent. She has -- the



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1 a whole, which would include, to me, Chris  
2 Mahaffy, Dr. Lawal, Debra Foster, Dr. Nance.

3 Q. Doctor who? I'm sorry.

4 A. Nance for not responding in a timely  
5 manner for something that she asked for, which  
6 was security. Because by this time from what  
7 I gather, Chris was pretty much a loose  
8 cannon. So she did not feel safe, so she was  
9 forced to leave. And I know my mom would not  
10 leave -- being here as long as she had been, I  
11 know that she would not leave the way she did  
12 if she wasn't forced to.

13 Q. Are you saying that she left because  
14 she felt unsafe and because AUM did not  
15 provide her with security from the things she  
16 feared?

17 A. I am saying that she left, one,  
18 because she did not get the security that she  
19 had requested. Because she, by this point,  
20 was fearful on a -- forget a day-to-day basis.  
21 She was going minute-by-minute because she  
22 didn't know if Chris was going to come into  
23 the office -- what he was going to do.

24 Once -- what's his name? Dr. Lawal,  
25 he started turning against her. And she also



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specific about that because I was not there. I was working at the time. So I can only go by what my mom told me. And she was -- by the end of the day, if she -- if she wasn't crying, she was about there or she would call me in the middle of the day. And he wasn't just, you know, mistreating her. He was also mistreating the student workers.

Q. Did she say why she thought he was mistreating the student workers?

A. Probably -- no, she never did say why. I can't tell you that because she never said.

Q. Do you know when she made the decision to go ahead and retire?

A. She didn't, I don't think, really make that decision to retire because she was forced to leave like I told you earlier. So all I know is she told me on -- it was like in February. She told me she had to leave. And she called me in the middle of the day right before she left. Right before she was forced to leave, rather. But -- so I really can't tell you because I don't know. I was at work.

Q. So the first you know that she was



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1 is.

2 Q. Have you made any negative remarks  
3 about Debra Foster to anyone at AUM?

4 A. No. I don't know Debra Foster other  
5 than she's the HR director.

6 MR. DODD: Thank you. I have  
7 nothing further.

8 MS. RODGERS: No questions.

9 (Whereupon, the deposition was  
10 concluded at 2:28 p.m.)  
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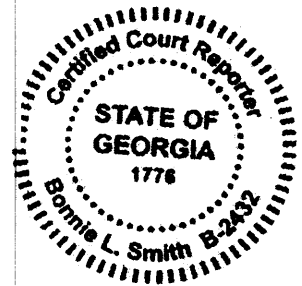
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## CAPTION

The Deposition of COURTNEI ELLISON, taken in the matter, on the date, and at the time and place set out on the title page hereof.

It was requested that the deposition be taken by the reporter and that same be reduced to typewritten form.

It was agreed by and between counsel and the parties that the Deponent will read and sign the transcript of said deposition.



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## DEPOSITION ERRATA SHEET

RE: Alexander Gallo &amp; Associates, L.L.C.

File No. 13898

Case Caption: CYNTHIA ELLISON

vs. AUBURN UNIVERSITY MONTGOMERY

Deponent: COURTNEI ELLISON

Deposition Date: JUNE 14, 2006

To the Reporter:

I have read the entire transcript of my Deposition taken  
in the captioned matter or the same has been read to me.

I request that the following changes be entered upon the  
record for the reasons indicated. I have signed my name to  
the Errata Sheet and the appropriate Certificate and  
authorize you to attach both to the original transcript.

Page No. 5 Line No. 6 Change to: "and" needs to  
be changed to "in"

Reason for change: \_\_\_\_\_

Page No. 18 Line No. 5 Change to: "in" needs to  
be changed to "and"

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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